

HOUSE BILL NO. 557

INTRODUCED BY T. FACEY

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING SCHOOL DISTRICTS TO FILE INFORMATION ON THEIR HEALTH ENHANCEMENT CURRICULUMS WITH THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REQUIRING THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO MAINTAIN A HEALTH ENHANCEMENT CURRICULUM FILE; SUPERSEDING THE UNFUNDED MANDATE LAWS; AND AMENDING SECTIONS 20-3-324 AND 20-7-113, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 20-3-324, MCA, is amended to read:

"20-3-324. Powers and duties. As prescribed elsewhere in this title, the trustees of each district shall:

(1) employ or dismiss a teacher, principal, or other assistant upon the recommendation of the district superintendent, the county high school principal, or other principal as the board considers necessary, accepting or rejecting any recommendation as the trustees in their sole discretion determine, in accordance with the provisions of Title 20, chapter 4;

(2) employ and dismiss administrative personnel, clerks, secretaries, teacher aides, custodians, maintenance personnel, school bus drivers, food service personnel, nurses, and any other personnel considered necessary to carry out the various services of the district;

(3) administer the attendance and tuition provisions and govern the pupils of the district in accordance with the provisions of the pupils chapter of this title;

(4) call, conduct, and certify the elections of the district in accordance with the provisions of the school elections chapter of this title;

(5) participate in the teachers' retirement system of the state of Montana in accordance with the provisions of the teachers' retirement system chapter of Title 19;

(6) participate in district boundary change actions in accordance with the provisions of the districts chapter of this title;

(7) organize, open, close, or acquire isolation status for the schools of the district in accordance

1 with the provisions of the school organization part of this title;

2 (8) adopt and administer the annual budget or a budget amendment of the district in accordance
3 with the provisions of the school budget system part of this title;

4 (9) conduct the fiscal business of the district in accordance with the provisions of the school
5 financial administration part of this title;

6 (10) subject to 15-10-420, establish the ANB, BASE budget levy, over-BASE budget levy,
7 additional levy, operating reserve, and state impact aid amounts for the general fund of the district in
8 accordance with the provisions of the general fund part of this title;

9 (11) establish, maintain, budget, and finance the transportation program of the district in
10 accordance with the provisions of the transportation parts of this title;

11 (12) issue, refund, sell, budget, and redeem the bonds of the district in accordance with the
12 provisions of the bonds parts of this title;

13 (13) when applicable, establish, financially administer, and budget for the tuition fund, retirement
14 fund, building reserve fund, adult education fund, nonoperating fund, school food services fund,
15 miscellaneous programs fund, building fund, lease or rental agreement fund, traffic education fund, impact
16 aid fund, interlocal cooperative agreement fund, and other funds as authorized by the state superintendent
17 of public instruction in accordance with the provisions of the other school funds parts of this title;

18 (14) when applicable, administer any interlocal cooperative agreement, gifts, legacies, or devises
19 in accordance with the provisions of the miscellaneous financial parts of this title;

20 (15) hold in trust, acquire, and dispose of the real and personal property of the district in
21 accordance with the provisions of the school sites and facilities part of this title;

22 (16) operate the schools of the district in accordance with the provisions of the school calendar
23 part of this title;

24 (17) establish and maintain the instructional services of the schools of the district in accordance
25 with the provisions of the instructional services, textbooks, vocational education, and special education
26 parts of this title;

27 (18) establish and maintain the school food services of the district in accordance with the
28 provisions of the school food services parts of this title;

29 (19) make reports from time to time as the county superintendent, superintendent of public
30 instruction, and board of public education may require;

(20) retain, when considered advisable, a physician or registered nurse to inspect the sanitary conditions of the school or the general health conditions of each pupil and, upon request, make available to any parent or guardian any medical reports or health records maintained by the district pertaining to the child;

(21) for each member of the trustees, visit each school of the district not less than once each school fiscal year to examine its management, conditions, and needs, except trustees from a first-class school district may share the responsibility for visiting each school in the district;

(22) procure and display outside daily in suitable weather on school days at each school of the district an American flag that measures not less than 4 feet by 6 feet;

(23) provide that an American flag that measures approximately 12 inches by 18 inches be prominently displayed in each classroom in each school of the district, except in a classroom in which the flag may get soiled. This requirement is waived if the flags are not provided by a local civic group.

(24) adopt and administer a district policy on assessment for placement of any child who enrolls in a school of the district from a nonpublic school that is not accredited, as required in 20-5-110;

(25) upon request and in compliance with confidentiality requirements of state and federal law, disclose to interested parties school district student assessment data for any test required by the board of public education; ~~and~~

(26) file with the superintendent of public instruction information on the curriculum used by the school district in its health enhancement instructional program, including any curriculum materials used in human sexuality courses. The information must include the sources used in writing the curriculum and curriculum materials.

~~(26)~~(27) perform any other duty and enforce any other requirements for the government of the schools prescribed by this title, the policies of the board of public education, or the rules of the superintendent of public instruction."

Section 2. Section 20-7-113, MCA, is amended to read:

"20-7-113. Maintenance of curriculum guide file and publishing curriculum guides by superintendent of public instruction -- maintenance of health enhancement curriculum file. (1) The superintendent of public instruction shall collect and maintain a file of curriculum guides to be made available to districts for the use of schools in planning courses of instruction. ~~He~~ The superintendent may

1 prepare, publish, and distribute curriculum guides for the use of schools in planning courses of instruction.
2 He The superintendent may solicit the assistance of educators and other qualified persons in the
3 preparation of curriculum guides.

4 (2) (a) The superintendent shall maintain a file of curriculum resources for health enhancement
5 courses of instruction, including resources for human sexuality instruction. The file must consist of
6 curriculum guides developed by the superintendent and the curriculum information provided to the
7 superintendent by school districts under 20-3-324(26). The file must be made available to school districts
8 for use in planning courses of instruction in health enhancement and human sexuality.

9 (b) The file maintained by the superintendent and made available to school districts may contain
10 only resources that provide medically accurate, objective, and factual information. As used in the
11 subsection (2)(b), "medically accurate" means verified or supported by the weight of research that is
12 conducted in compliance with accepted scientific methods and published in peer-reviewed journals, where
13 appropriate, and that is recognized as accurate and objective by leading professional organizations and
14 agencies with relevant expertise in the field.

15 (c) The curriculum file for use in planning courses in human sexuality may contain only resources
16 that emphasize abstinence from sexual contact as the only method that is 100% effective against
17 unintended pregnancy and sexually transmitted diseases, including sexually transmitted human
18 immunodeficiency virus. The resources in the file must stress abstinence, but not to the exclusion of other
19 materials and instruction on contraceptive and disease reduction measures. The materials must
20 acknowledge the value of abstinence but not devalue or ignore young people who have had or are having
21 sexual intercourse."

22
23 NEW SECTION. Section 3. Unfunded mandate laws superseded. The provisions of [this act]
24 expressly supersede and modify the requirements of 1-2-112 through 1-2-116.

25 - END -